

Application No. 10/622,919

AMENDMENTS TO THE DRAWING FIGURES

As shown in the attached "Replacement Sheet" containing Figures 3 and 4, Figure 3 has been amended to include reference numbers 136a-d, pointing to the middle portion of the illustrated straps 130a-d, and Figure 4 has been amended to include reference number 136b. No new matter has been added by these changes. Accordingly, entry and approval of the changes to the drawing figures are respectfully requested.

Application No. 10/622,919

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated March 8, 2005. Claims 1, 6, 14 and 17 have been amended without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 1 and 3-24 are now pending. As set out more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Initially, the undersigned would like to thank the Examiner for the courtesies extended during the telephone conference that was held on April 7, 2005. During that telephone conference, various of the pending rejections under 35 U.S.C. §112, 35 U.S.C. §102 and 35 U.S.C. §103 were discussed. The prior art references cited in the previous Office Action were also discussed. In addition, potential amendments to the claims were discussed. No agreement regarding allowable subject matter was reached.

The drawings stand objected to under 37 CFR §1.83(a) for failing to show every feature of the invention specified in the claims. In particular, the Office Action requires that the "middle portion" of the single strap element must be shown or that feature must be canceled from the claims. In addition, the specification stands objected to for failing to provide proper antecedent basis for the claimed strap "middle portion." In the amendments set forth above, the specification and drawings have been amended to comply with the requirement for correction. In particular, Figs. 3 and 4 have been amended to include reference character 136, pointing to the middle portion of the respective straps 130. In addition, the specification has been amended to refer to the middle portion 136 of each of the straps 130. No new matter has been added by these amendments. In particular, the drawing figures and the description as originally filed explicitly discuss straps 130 that each include an attached end 134 and an attaching end 138. (See Specification, p. 5, l. 27 – p. 6, l. 18.) Furthermore, Figs. 3 and 4 as originally filed clearly show a "middle portion" between the attached 134 and attaching 138 ends of the straps 130. Accordingly, acceptance of the changes to the specification and the drawing figures, and

Application No. 10/622,919

reconsideration and withdrawal of the objections to the drawings and specification, are respectfully requested.

Claims 1 and 3-8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Office Action finds that Claim 1 is confusing since the recited attaching end is free in the recited open state and is also attached to the flap through a middle portion of the single strap element. In the amendments set forth herein, Claim 1 has been amended to recite:

in said open state and in said closed state said attaching end is interconnected to said inner area of said first flap through a middle portion of said single strap element, and wherein in said closed state said attaching end of said single strap element is also releasably fixed to said inner area of said first flap to form a closed loop.

Accordingly, Applicant submits that it is clear that the recited attaching end of the single strap element included in the first strap can be releasably fixed to the inner area of the first flap to form a closed loop in the closed state. That is, when the attaching end is releasably fixed to the inner area of the first flap, a closed loop is formed such that the attaching end continues to be interconnected to the first flap through the middle portion of the single strap element. This closed loop is clearly shown in Fig. 4. Applicant respectfully requests that the rejections under 35 U.S.C. §112 be reconsidered and withdrawn, particularly in view of the amendments to Claim 1 and the clarification provided herein.

Claims 1, 3, 5, 9, 10, 12, and 13-16 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 3,062,421 to Fleming ("Fleming"). In particular, the Office Action states that these claims are anticipated by Fleming for substantially the same reasons stated in the first Office Action. However, Applicant notes that, particularly in view of the amendments that have been entered in the previous amendment and response and in the present amendment and response, these claims are not anticipated by Fleming. In particular, each and every element of the claims rejected under Section 102 cannot be found in Fleming. Therefore,

Application No. 10/622,919

reconsideration and withdrawal of the rejections of Claims 1, 3, 5, 9, 10, 12, and 13-16 are respectfully requested.

Claim 1 recites a fishing line container assembly comprising a fishing line compartment. In the previous amendment, Claim 1 was amended to recite at least a first strap that includes "a single strap element with both an attached end and an attaching end." The attached end is "fixed to said inner area of said first flap." In addition, amended Claim 1 recites:

in said open state and in said closed state said attaching end is interconnected to said inner area of said first flap through a middle portion of said single strap element, and . . . in said closed state said attaching end of said single strap element is also releasably fixed to said inner area of said first flap to form a closed loop.

The Fleming reference does not describe a strap that includes a single strap element with both an attached end and an attaching end. Instead, Fleming discusses a strap 16 having at least two strap elements. The first strap element is fixed to a swingable portion 12 of an inner wall 10 and includes a buckle 18. The second strap element is fastened to the stationary portion of the inner wall 10 and includes holes that can be received in the buckle 18. (Fleming col. 2, ll. 3-10; Fig. 2.) Furthermore, Fleming does not describe a strap with a single strap element having an attached end and attaching end that are both interconnected to an inner area of a first flap when the strap is in an open state, or with an attaching end that is also releasably fixed to the inner area of a first flap when in a closed state to form a closed loop. Instead, Fleming shows two strap elements that are fixed to different portions or flaps, and each can be interconnected to the portion or flap that the other is fixed to by joining the two strap elements together. Fleming does not expressly or inherently describe a single strap element that can form a loop in which both ends of a single strap element are fixed or interconnected to a first (*i.e.*, the same) flap. Therefore, for at least these reasons, the rejections of Claim 1 and dependent Claims 2, 3, 5, 9, 10 and 12-16 should be reconsidered and withdrawn.

Claim 3 depends from Claim 1 and additionally recites that "said attaching end of said single strap element has a first mating element and said attached end of said single strap element

Application No. 10/622,919

has a second mating element and in which said mating elements are joined together when said first strap is in said closed state." The Fleming reference does not disclose a single strap element that has first and second mating elements that are joined together when the first strap is in the closed state. Instead, Fleming discusses a strap consisting of two elements that can be joined together by cooperating structures associated with those two elements. Accordingly, Claim 3 is allowable for at least this additional reason, and reconsideration and withdrawal of the rejection of Claim 3 are respectfully requested.

Applicant notes that Claim 9 recites at least a first cover that is "fixed to said first flap on a first side of said first strap and on a second side of said first strap." Claim 9 further recites that "a free edge of said at least a first cover creates a sleeve or pocket capable of receiving at least a portion of said first strap." Furthermore, Claim 9 was rewritten in independent form to include the elements of Claim 1 as originally presented. Claim 9 is allowable over the cited references for at least the reason that those references do not teach, suggest or describe a first cover forming a sleeve or pocket as claimed. Furthermore, the structure 48 in Fleming cited in the Office Action as disclosing a cover as claimed is more like the zipper of the fishing line compartment 80 than the recited first cover, illustrated in Figs. 3 and 4 of the present application as cover 150, in that it functions to secure a movable element to another element. Accordingly, allowance of Claim 9 is respectfully requested for at least this additional reason.

Applicant also notes that Claim 14 was previously amended to clarify that the recited at least a first access hole is located within a perimeter of a piece of material forming the exterior of the fishing line compartment. The Fleming reference does not disclose a structure that includes an access hole located within a perimeter of a piece of material forming the exterior of the fishing line compartment as claimed. Furthermore, the Office Action cites to a hinge 14 connected to a flap as creating a slot that forms an access hole adjacent the hinged section for receiving fishing line. As noted in the Office Action, any such slot would be adjacent to a piece of material forming the exterior of the fishing line compartment, not within a perimeter of that material. Furthermore, Applicant notes that the hinge 14 shown by Fleming appears to be formed from a

Application No. 10/622,919

continuous piece of flexible material, and therefore does not even show a slot. Accordingly, Claim 14 is allowable for at least the reason that the cited references do not describe an access hole as claimed. Because Claim 14 is not anticipated by the Fleming reference for at least this additional reason, the rejection of Claim 14 should be reconsidered and withdrawn.

Claims 4, 6-8, 11 and 17-24 stand rejected under 35 U.S.C. §103 as obvious. In particular, Claim 4 stands rejected over Fleming in view of U.S. Patent No. 4,759,963 to Uso Jr. et al. ("Uso"), Claims 6-8 and 11 stand rejected as being unpatentable over Fleming, and Claims 1 and 17-24 stand rejected over U.S. Patent No. 2,999,621 to Kiser ("Kiser") in view of U.S. Patent No. 1,201,769 to Schloss ("Schloss"). In order to establish a prima facie case of obviousness under Section 103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations (MPEP §2143.) The prior art references, whether considered alone or in combination, do not teach, suggest or disclose a fishing line container or a method for facilitating use of fishing line that includes a strap (or use of a strap) as generally recited by the pending claims. Accordingly, the rejections under 35 U.S.C. §103 should be reconsidered and withdrawn.

Claim 4 depends from Claim 1 and recites that the first strap includes a Velcro® strap. The Office Action cites to Uso for showing a Velcro® strap used to retain fishing equipment. However, even if the proposed combination of Fleming and Uso is proper, such a combination would not teach, suggest or disclose each and every element of Claim 1. In particular, as described in greater detail above, the Fleming reference does not teach, suggest or disclose a strap having a single strap element with both an attaching end and an attached end and that, in an open state, both the attached and the attaching end are interconnected to the inner area of a first flap to form a closed loop. Instead, Fleming discusses a strap with two strap elements. Furthermore, the Uso reference does not supply the elements missing from the disclosure of Fleming. In particular, Uso discusses a fishing pole fastening device that features a band of non-stretchable material having a Velcro® fastening mechanism to secure the two ends together that

Application No. 10/622,919

is permanently attached crosswise to an elasticized band having a Velcro® fastening mechanism to secure the two ends of that band together. (Use Abstract.) Accordingly, the rejection of Claim 4 as obvious should be reconsidered and withdrawn.

Claims 6-8 and 11 generally depend from Claim 1. As noted above, the Fleming reference does not anticipate Claim 1. Furthermore, Fleming does not teach, suggest or disclose each and every element of Claim 1, or dependent Claims 6-8 and 11. More particularly, the strap discussed by Fleming functions to interconnect a movable flap 12 to a fixed flap or wall 10. Accordingly, the strap 16, 18 has one element that is fixed to the movable flap 12 and a second element that is fixed to the fixed flap or wall 10. Furthermore, there is no suggestion to modify Fleming such that the strap would have a single strap element and an attached end and an attaching end interconnected to the inner area of a first flap in an open state and also interconnected to the inner area of the first flap in a closed state. In particular, such an arrangement would defeat the purpose of the strap disclosed by Fleming, as it could then no longer function to maintain the movable flap 12 in a closed state. For at least the reason that Fleming does not teach, suggest or disclose a first flap including a single strap element as claimed, the rejections of Claims 6-8 and 11 should be reconsidered and withdrawn.

Claims 17-22 are generally directed to a method for facilitating use of fishing line by a fisher. In particular, Claim 17 recites "providing at least a first spool having a bore and fishing line; [and] inserting a strap through said bore." As amended, Claim 17 additionally recites:

establishing a closed state. . . and forming a loop, wherein at a first section between said bore and an outer circumference said spool is held by said strap. . . , and wherein at a second section between said bore and said outer circumference that is diametrically opposite said first section said spool is free from said strap.

The Kiser reference is generally directed to a foldable tackle box. Arms 46 have one end secured to a surface of a tray 28. The free end of each arm 46 is parallel to and spaced outwardly from the sheet 42, and the arms 46 of each set are laterally spaced with respect to one another. (Kiser, col. 3, ll. 17-27.) Accordingly, the arrangement discussed by Kiser holds a spool of line in

Application No. 10/622,919

position by providing a pair of arms 46 that act against a first planar side surface of the spool such that the second planar side surface of the spool is held against the surface of a tray (sheet 42).

The Schloss reference is generally directed to a display mount. In particular, the display mount of Schloss discusses two pairs of slits that are parallel to one another and separated by a distance corresponding to the diameter of the annular article of merchandise to be supported in place (Schloss, ll. 41-46.) An elongated tongue is threaded through the slits to frictionally retain the article in place. (Schloss, ll. 50-55; Figs. 2 and 3.) Schloss notes that "the only essential being that there shall be two points of attachment which shall respectively lie between the slits 2, 2^a and 3, 3^a." (Schloss, ll. 60-63; Fig. 1. (emphasis added).)

Even if the proposed combination of Kiser and Schloss is proper, such a combination does not teach, suggest or disclose each and every element of Claims 1 and 17-24. For example, the cited references do not teach, suggest or disclose a strap having an open state and a closed state or a single strap element with an attached end and an attaching end as recited by Claim 1. Instead, Kiser describes a pair of arms with no "attaching ends," and Schloss describes a flexible tongue threaded into slits with no "attached end." Therefore, for at least these reasons, Claim 1 is not obvious. Schloss also does not teach, suggest or disclose inserting a strap through the bore of a spool and establishing a closed state to form a loop, wherein the spool is held by the closed strap at a first section and wherein at a second section diametrically opposite the first section the spool is free from the strap, as recited by Claim 17. Instead, Schloss requires that the described tongue be threaded through slits such that there are two points of attachment opposite one another with respect to the article to be held. Accordingly, for at least these reasons, Claims 17-22 are not obvious, and the rejections of these claims should be reconsidered and withdrawn.

Dependent Claim 23 recites additional subject matter that is not taught, suggested or disclosed by the cited references. In particular, Claim 23 recites that in the closed state of the strap, "a first surface of said strap at a first location along said strap is adjacent said first surface of said strap at a second location along said strap, wherein in said closed state, said first and second locations are not within an outside diameter of said at least a first spool." In the Office

Application No. 10/622,919

Action, the Schloss reference was cited for showing first and second surfaces of a strap that were adjacent one another. However, such a relationship in Schloss only occurs within an inner diameter of the spool; it does not occur outside of the diameter of the spool as claimed. Furthermore, the recitation that the first and second locations are not within an outside diameter of the at least a first spool, added by the previous response, was not found by the Office Action to be disclosed by any prior art reference. Accordingly, for at least this additional reason, Claim 23 is not obvious in view of the cited references, and the rejection of that claim should be reconsidered and withdrawn.

The application now appearing to be in form for allowance, early notification of the same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Bradley M. Knepper
Registration No. 44,189
1560 Broadway, Suite 1200
Denver, CO 80202-5141
(303) 863-9700

Date: June 8, 2005